



Dr. Alan Lloyd  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Arnold Schwarzenegger  
Governor

Mr. Jeff Pratt  
Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, CA 93009-1610

### **WATER QUALITY CERTIFICATION FOR PROPOSED FRESNO CREEK AND PARKVIEW DRAIN ACCESS IMPROVEMENT PROJECT (Corps' Project No. 2006-00201-JWM), FRESNO CREEK AND PARKVIEW DRAIN, BOTH TRIBUTARIES TO VENTURA RIVER, CASITAS SPRINGS, VENTURA COUNTY (File No. 05-213)**

Dear Mr. Pratt:

Regional Board staff has reviewed your request on behalf of Ventura County Watershed Protection District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 7, 2005.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_[Original signed by]\_\_\_\_\_  
Jonathan S. Bishop  
Executive Officer

\_\_\_\_\_  
April 20, 2006  
Date

**California Environmental Protection Agency**



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*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

## DISTRIBUTION LIST

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## ATTACHMENT A

### Project Information File No. 05-213

1. Applicant: Ventura County Watershed Protection District  
800 South Victoria Avenue  
Ventura, Ca 93009-1610  
  
Phone: (805) 654-2040      Fax: (805) 654-3350
2. Applicant's Agent: Angela Bonfiglio Allen  
  
Phone: (805) 447-7175      Fax: (805) 654-3350
3. Project Name: Fresno Creek and Parkview Drain Access Improvement
4. Project Location: Fresno Creek  
Casitas Springs, Ventura County  
Longitude: 119° 18' 21.15657"; Latitude: 34° 21' 49.53670"  
Longitude: 119° 18' 23.28170"; Latitude: 34° 21' 48.98033"  
Longitude: 119° 18' 22.47512"; Latitude: 34° 21' 48.76692"  
Longitude: 119° 18' 22.48904"; Latitude: 34° 21' 49.65490"  
  
Parkview Drain Inlet  
Longitude: 119° 18' 24.02215"; Latitude: 34° 21' 44.97570"  
Longitude: 119° 18' 23.62055"; Latitude: 34° 21' 44.98003"  
Longitude: 119° 18' 23.74394"; Latitude: 34° 21' 44.31268"  
Longitude: 119° 18' 24.28633"; Latitude: 34° 21' 44.75085"
5. Type of Project: Box Culvert Installation
6. Project Description: *Purpose:*  
The purpose of the proposed project is to install a box culvert within Fresno Creek. The box culvert will establish a permanent outlet point for the sediment trap immediately upstream and create a suitable access across Fresno Creek for the Watershed Protection District vehicles and heavy equipment to reach Parkview Drain inlet. The purpose of Parkview Drain Inlet is to repair the damage incurred to the existing structure and to restore and maintain capacity of the drain to prevent damage to homes.

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#### *Description:*

The District proposes to replace the existing culvert with a permanent, pre-fabricated concrete box culvert approximately 16 feet long, 6 feet high, and 10 feet wide within Fresno Creek. This facility provides the benefit of trapping large debris well upstream of the culvert under State Highway 33, allowing Operations and Maintenance staff to easily remove the debris from one centralized location during storm events. Containing the debris upstream of the culvert will help minimize blockage of the highway culvert, preventing overflow and subsequent damage to the public road and downstream residences.

The new culvert will be stabilized with concrete and rock rip rap and paved with concrete to allow passage of heavy equipment and large storm flows. South of the new culvert, the District will improve 500 lineal feet of an existing 10-foot-wide private dirt road with a layer of crushed base or concrete and a 5-foot-wide cobble or concrete-lined v-ditch to provide better maintenance access to the Parkview Drain Inlet.

The District plans to install a rail car bridge spanning the creek approximately 50 feet downstream of the previously proposed culvert crossing location. The bridge installation is a more desirable road crossing because it offers a safer turning radius for trucks towing trailers with heavy equipment. The bridge will be 16 feet wide by 44 feet long, and concrete abutments will be buried outside of the creek banks. Construction activities will temporarily disturb 700 square feet within Fresno Creek. Temporary impacts may include excavation of up to 182 cubic yards of earth and existing rock rip rap from the streambed and banks. Excavation is required to create a 10-foot-deep work area in the uplands on each side of the creek to construct the buried bridge abutments and to install rock rip rap.

Following construction, the stream banks will be restored to pre-project contours to the maximum extent feasible, and existing rock rip rap will be replaced on the slope and will remain ungrouted. Additional imported rock (up to 82 cubic yards) may replace some of the excavated earth to increase stability of the abutments. Existing mounds at the top of the banks would be permanently removed to create a flat surface to support the railroad car bridge. Excess excavated earth may be used to construct the access road to

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### **Project Information File No. 05-213**

the Parkview Drain Inlet.

At Parkview Drain inlet, sediment and debris will be removed. The Applicant also proposed to replace an existing chain link fence on top of the inlet's existing concrete walls. Also, install a new 1-inch rebar screen (6 feet wide by 6 feet high) approximately 10 feet upstream of the inlet to block debris. All work in Parkview will occur on existing, unvegetated concrete surfaces and will therefore not result in new impacts.

- |   |  |
|---|--|
| 7. Federal Agency/Permit:                           | U.S. Army Corps of Engineers<br>NWP No. 3 (Permit No. 2006-00201-JWM)  |
| 8. Other Required Regulatory Approvals:             | California Department of Fish and Game<br>Streambed Alteration Agreement<br>(Permit No. 1600-2005-0750-R5)                             |
| 9. California Environmental Quality Act Compliance: | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction). |
| 10. Receiving Water:                                | Fresno Creek and Parkview Dam, both tributaries to the Ventura River (Hydrologic Unit No. 402.10)                                      |
| 11. Designated Beneficial Uses:                     | MUN*, IND, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET<br><br>*Conditional beneficial use                    |
| 12. Impacted Waters of the United States:           | Non-wetland waters (unvegetated streambed): 0.01 temporary acres (20 linear feet) and 0.02 permanent acres (40 linear feet)            |
| 13. Dredge Volume:                                  | None   |

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14. Related Projects Implemented/to be Implemented by the Applicant:
- The District is currently studying potential alternatives for a permanent solution to flooding and debris flow problems in the Fresno Creek drainage area. No clear proposals have been defined at this moment.
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Installation of the pre-fabricated concrete box culvert at Fresno Creek and removal of sediments/debris, installation of a rebar screen, and replacement of chain link fence at Parkview Drain inlet is expected to be completed within one work week and can therefore be scheduled to avoid storm periods and periods of stream flow despite the fact that the District plans to work during the rainy season.
  - In addition, the proposed box culvert has been designed to reduce the potential for erosion by requiring minimal disturbance of the streambed and banks during its installation. Use of a pre-fabricated culvert reduces the volume of concrete waste that could be generated at the site. Concrete waste generated while back filling the culvert and creating the drip crossing will be contained and properly disposed. The proposed permanent culvert replaces an existing culvert that is likely to wash downstream during a future storm, resulting in a discharge of debris.
  - Another design element that functions as a permanent BMP is the placement of crushed base or concrete on an existing dirt road (not located within a jurisdictional stream) to Parkview Drain inlet, which will help prevent erosion along the road. The road will be used only occasionally by District Operations and Maintenance personnel and by the private landowner, therefore only steeper, less stable portions of the road will be paved with concrete for better traction. The portion of the road that crosses Fresno Creek will also be paved with concrete to prevent erosion when flows overtop the new culvert. The portion of the road that crosses Fresno Creek will also be paved with concrete to prevent erosion when flows overtop the new culvert. The proposed cobble-lined v-ditch adjacent to the existing dirt road will serve as a permanent feature to stop erosion currently occurring along

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the road. To prevent erosion of the Fresno Creek streambed and banks, flows the v-ditch will be directed onto the rock rip rap and concrete that will surround the new culvert.

- The District will implement housekeeping BMP's such as vehicle and equipment cleaning, fueling, and maintenance. Cleaning, fueling, and maintenance activities will be performed at least 100 feet from Fresno Creek or Parkview Drain. All heavy equipment will be operated outside of the stream.

#### 16. Required Compensatory Mitigation:

The proposed work will result in removal of sparse non-native annual plant litter. Native habitat exists on nearby slopes, but it not present within the work area. Three mature oak trees area located within 100 feet of the proposed culvert at Fresno Creek, but at most; a qualified arborist may lightly trim the trees to allow heavy equipment to pass by without damaging them. Because native vegetation will not be removed during construction, no habitat restoration is proposed. However, the District will remove non-native, invasive plants around its new permanent box culvert facility and within Fresno Creek for a distance of 90 feet downstream of the culvert (0.04 acre of enhancement). This compensatory mitigation corresponds to a ratio of 2:1 for permanent impacts associated with the proposed project. Methods used include weed whipping and herbicide application. Herbicides will be limited to those approved for aquatic use such as glyphosate based products. Fresno Creek is an ephemeral drainage within oak woodland/chaparral habitat. Exotics removal over the 0.04 acres area will occur for one year after construction, and the District will submit a report documenting the removal effort at the end of that year. Weed management immediately surrounding the culvert will occur indefinitely as a part of its ongoing maintenance activities.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

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### Conditions of Certification File No. 05-213

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. 15, are incorporated as additional conditions herein.



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### **Conditions of Certification File No. 05-213**

5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
16. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
17. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

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- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids(TSS)
- Downstream TSS shall be maintained at ambient levels
- Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

18. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
19. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.02 acres** of vegetation within waters of the United States through the enhancement of riparian habitat at a minimum **2:1** area replacement ratio (**0.04 acres**). The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
20. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

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21. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for (as required) compiled in an easy to interpret format;
  - (f) A certified Statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
22. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.
23. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

**Conditions of Certification**  
**File No. 05-213**

- \_\_\_\_ (Signature)  
\_\_\_\_ (Title)''

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28. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
29. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
30. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
31. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.